



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,686	11/25/2003	Francois Kotian	14XZ129714/130264(GEMS-01	6159
23413	7590	11/10/2005	EXAMINER	
CANTOR COLBURN, LLP			KAO, CHIH CHENG G	
55 GRIFFIN ROAD SOUTH			ART UNIT	
BLOOMFIELD, CT 06002			PAPER NUMBER	
			2882	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/721,686

Applicant(s)

KOTIAN ET AL.

Examiner

Chih-Cheng Glen Kao

Art Unit

2882

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

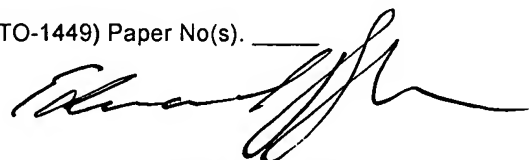
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-35.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.



**EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER**

Continuation of 3. NOTE: Regarding claims 9-19, 21, and 35, the added limitations of "the means for processing comprising means for continuously memorizing or storing a sequence of 2D images corresponding to a number of images necessary for reconstitution of a 3D model on a sliding window, and means for continuously implementing a method for reconstitution of a 3D model on this sliding window, without the limitations of "wherein the means for control is programmed to drive the mobile support along a repetitive continuous rotation movement around the means for supporting the object" raises new issues that would require further consideration and/or search. In other words, the limitations of cancelled claim 20 without all the limitations of claim 12 being incorporated into claim 9, raises new issues that would require further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: In response to Applicants' argument that the references fail to show certain features of Applicants' invention, it is noted that the features upon which applicant relies (i.e. "repetitive movement of the entire cycle" or "a carrying out of the entire movement repetitively") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Applicants further argue that Jensen et al. fails to teach or suggest periodically refreshing a 3D model. The Examiner disagrees. As seen in paragraph 53, Jensen et al. teaches improving upon the 3-D patient data set and also upon the patient slices and 3-D images being displayed. This improvement of 3-D images being displayed reads on a periodically refreshed 3D model. Therefore, Jensen et al. does teach or suggest periodically refreshing a 3D model (paragraph 53).

Applicants further argue that Jensen et al. does not teach or suggest memorizing or storing a number of images. The Examiner disagrees. As noted by Applicants, Jensen et al. discloses the continuous memorizing or storing of just a single image. The collective group of single images that were stored at different instances in time reads on a sequence of images continuously memorized or stored. As further pointed out by Applicants, Jensen et al. (paragraph 53, lines 11-13) discloses obtaining a new exposure for updating. This is considered as continuous, since the steps (fig. 8, #305-340) are repeated over and over continuously. This further creates a sliding window, since the 3D data and corresponding images continuously get updated. Therefore, Jensen et al. does teach or suggest wherein a sequence of 2D images is continuously memorized or stored, on a sliding window, corresponding to a number of images necessary for reconstitution of a 3D model, and processing is applied for continuous reconstitution of a 3D model on this sliding window.

Applicants' arguments are not persuasive, and the claims remain rejected.